

BEFORE THE
UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Competitive Product Prices
Priority Mail Express & Priority Mail
Priority Mail Express & Priority Mail Contract 69

Docket No. MC2018-188

Competitive Product Prices
Priority Mail Express & Priority Mail Contract 69 (MC2018-188)
Negotiated Service Agreement

Docket No. CP2018-262

PUBLIC REPRESENTATIVE COMMENTS ON
POSTAL SERVICE REQUEST TO ADD
PRIORITY MAIL EXPRESS & PRIORITY MAIL CONTRACT 69 TO THE
COMPETITIVE PRODUCT LIST

(July 9, 2018)

The Public Representative hereby provides comments pursuant to an initiating notice by the Commission.¹ In that Notice, the Commission established the above referenced docket to receive comments from interested persons, including the undersigned Public Representative, on a Postal Service request to add Priority Mail Express & Priority Mail Contract 69 to the competitive product list.² The Postal Service's Request includes a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. § 3633(a), and a copy of Governor's Decision No. 11-6. The Postal Service also filed a contract (under seal) related to the proposed new product, and supporting financial data.

According to the Postal Service, Priority Mail Express & Priority Mail Contract 69 is a competitive product "not of general applicability" within the meaning of 39 U.S.C. § 3632(b)(3). *Request* at 1. The Postal Service also maintains that the prices and classification underlying the instant contract are justified by Governors' Decision No. 11-

¹ Notice Initiating Docket(s) for Recent Postal Service Negotiated Service Agreement Filings, July 2, 2018 (Notice).

² Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 69 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, June 29, 2018 (Request).

6.³ The Postal Service further asserts that the Statement of Supporting Justification provides support for adding Priority Mail Express & Priority Mail to the competitive product list and the compliance of the contract with 39 U.S.C. § 3633(a). *Attachment D* at 1.

The contract's effective date will be set two (2) business day following the date on which the Commission issues all necessary regulatory approval. *Attachment B* at 7. The contract is to expire three (3) years from the effective date, unless 1) terminated by either Party within 30 days' notice with applicable restrictions, (2) renewed by mutual agreement in writing, (3) superseded by a subsequent Agreement between the Parties, (4) ordered by the Commission or a court, or (5) required to comply with subsequently enacted legislation.⁴ *Id.* at 7.

The Public Representative has reviewed the instant contract, the Statement of Supporting Justification, and the financial data and model filed under seal that accompanies the Postal Service's Request. Based upon that review, the Public Representative concludes that Priority Mail Express & Priority Mail Contract 69 should be categorized as a competitive product and added to the competitive product list.

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

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³ Decision of the Governors of the United States Postal Service on Establishment of Domestic Competitive Agreements, Outbound International Competitive Agreements, Inbound International Competitive Agreements, and Other Non-Published Competitive Rates, March 22, 2011 (Governors' Decision No. 11-6).

⁴ At the conclusion of this Contract term both Parties agree if preparation of a successor contract is active, the Contract will be extended for up to two (2) ninety (90) day periods with official notification to the Commission within at least seven (7) days of the Contract expiring. (*Attachment B* at 7)